

STATE OF WISCONSIN
Senate Journal
Ninety–Fifth Regular Session

WEDNESDAY, August 1, 2001

The Chief Clerk makes the following entries under the above date.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 226

Relating to: adding one representative of the Wisconsin chapter of the Paralyzed Veterans of America to the council on veterans programs.

By Senators Burke, Moen, Roessler, Decker, Hansen and Darling; cosponsored by Representatives Musser, Suder, Turner, Montgomery, Krawczyk, Gronemus, Hundertmark, Plouff, Ladwig, McCormick, Jeskewitz, La Fave, Townsend, Riley, Lippert, Albers, Ryba, J. Lehman, Vrakas, Starzyk, Underheim, M. Lehman and Wasserman, by request of the Council on Veterans Programs and the Vietnam Veterans of America.

To committee on **Health, Utilities, Veterans and Military Affairs**.

REPORT OF COMMITTEES

The committee on **Environmental Resources** reports and recommends:

BENZEL, TRACY C., of Mercer, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

KARNAUSKAS, ROBERT J., of Pewaukee, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2005.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

MULLALLY, DR. ROBERT R., of Onalaska, as a member of the Minnesota–Wisconsin Boundary Area Commission, to serve for the term ending September 25, 2006.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

ONSAGER, CATHERINE, of West Salem, as a member of the Kickapoo Reserve Management Board, to serve for the term ending May 1, 2004.

Confirmation.

Ayes, 5 – Senators Baumgart, Hansen, Wirch, Cowles and Schultz.

Noes, 0 – None.

Jim Baumgart
Chairperson

PETITIONS AND COMMUNICATIONS

**State of Wisconsin
Office of the Commissioner of Insurance**

July 24, 2001

The Honorable, The Legislature:

It is my pleasure to forward to you the final report of the Governor's Small Employer Health Insurance Task Force. The task force met five times to review statistical presentations, background information, and research into twelve separate subject areas dealing with small employer health insurance.

Through careful consideration and consensus decision making, the task force has formulated ten recommendations for your consideration. These recommendations are intended to help address some of the problems that small employers have been experiencing as they attempt to provide affordable health insurance coverage for their employees. The recommendations of the task force focused on reducing the Medicare reimbursement inequities, reforming the small group application process, further evaluating the effects of mandated insurance coverage or proposed coverage and increasing education and outreach efforts to small employers.

I wish to thank the task force members, a diverse group that represented the small employer, health care provider, health insurer, and insurance agent industries as well as the legislature. I would like to particularly note the participation of your colleagues Senator Roger Breske and Representative Lorraine Seratti. They provided valuable public policy insights that helped guide the task force's activities.

It is my hope that this report assists you in the future as you continue to deliberate health insurance issues.

Sincerely,

CONNIE L. O'CONNELL
Commissioner

**State of Wisconsin
Office of the Commissioner of Insurance**

July 25, 2001

The Honorable, The Legislature:

In accordance with s. 601.427 (9), Wis. Stats., a report is to evaluate the impact that 1995 Wisconsin Act 10 has had on the following:

- (a) The number of health care providers practicing in Wisconsin.
- (b) The fees that health care providers pay under s. 655.27 (3), Wis. Stats.
- (c) The premiums that health care providers pay for health care liability insurance,

was submitted to the legislature in May 2001. We have revised the report to clarify some of the figures included. The original report included statements regarding both a \$100 million and \$125 million reduction in fees. The actual amount should be \$125 million, which is the actual amount of loss reduction imbedded in the ultimate loss estimates, as a result of the Act 10. This reduction in the ultimate loss estimate translates to a \$60.8 million dollar reduction in fees collected under s. 655.27 (3), Wis. Stats., over the last seven years. However, it was further noted that loss experience to date is too immature to validate the reduction. I apologize for any confusion created by the report.

The attached report provides information regarding the background of Act 10, the statistics collected and the analyses performed.

Sincerely,

CONNIE L. O'CONNELL
Commissioner

**State of Wisconsin
Legislative Audit Bureau**

July 26, 2001

The Honorable, The Senate:

As requested by the joint Legislative Audit Committee, we have completed an evaluation of the Department of Health and Family Services' (DHFS's) prior authorization process for occupational, physical, and speech therapy services provided under the Medical Assistance program. Administrative code states that prior authorization is intended to safeguard against unnecessary or inappropriate care. In 1999, approximately 6,300 individuals received therapy services that required prior authorization; these services cost \$11.2 million.

From 1995 through June 2000, the average processing time for therapy prior authorization requests increased by 6.7 percent (1.1 working days), despite a decrease in the number of requests submitted and an increase in the number of staff processing requests. Longer processing times resulted primarily from increases in the percentage of incomplete requests returned to providers. In 1995, 43.9 percent of requests were returned at least once; in 1999, the rate of return was 49.5 percent.

We also examined denial rates for therapy prior authorization requests. We found that since 1997, denial rates have been substantially higher for school-age children than for other age groups. Unlike other age groups, school-age children can obtain services without prior authorization through the School-Based Services program. The Legislature created this program in 1995 to capture Medical Assistance funds for special education services. In 1992, 62 percent of Medical Assistance expenditures for therapy services for school-age children were paid to school-based providers. Community-based therapy providers and some parents believe

that the growth of the program has made it difficult to obtain approval for therapy services outside of school and that DHFS staff are inclined to deny community-based services to children receiving school-based services. However, we found that denial rates for community-based therapy were slightly lower for children receiving therapy through the School-Based Services program than they were for children who were not receiving therapy through that program.

We appreciate the courtesy and cooperation extended to us by DHFS and the Department of Public Instruction. DHFS's response is the appendix.

Sincerely,

JANICE MUELLER
State Auditor

**State of Wisconsin
Office of the Secretary of State**

To the Honorable, the Senate:

<u>Bill, Joint Resolu- tion or Resolution Number</u>	<u>Act Number or Enrolled Number</u>	<u>Publication Date</u>
2001 Senate Joint Resolution 38	Enrolled Joint Resolution, 17	N/A
2001 Senate Joint Resolution 39	Enrolled Joint Resolution, 18	N/A

Sincerely,
DOUGLAS LA FOLLETTE
Secretary of State

**State of Wisconsin
Department of Commerce**

July 12, 2001

The Honorable, The Senate:

The enclosed report has been sent to you pursuant to s. 1.11 (2)(j), Stats. This section requires agencies to submit a report to the chief clerk of each house of the legislature, including the number of proposed actions for which the agency conducted an assessment of whether an impact statement was required and the number of impact statements prepared.

This report encompasses the activities of the Wisconsin Department of Commerce for the period from July 1, 2000 to July 1, 2001.

Any questions concerning this report may be directed to Dennis W. Kozich, General Counsel, at 608-266-3203.

Sincerely,

BRENDA J. BLANCHARD
Secretary

**State of Wisconsin
Joint Legislative Council**

July 27, 2001

The Honorable, The Senate:

Enclosed is a copy of the General Report of the Joint Legislative Council to the 1999 Legislature, prepared and submitted pursuant to s. 13.81 (3), Stats.

I would appreciate your noting in the Senate Journal, pursuant to s. 13.172, Stats., that this report has been delivered to your office.

Sincerely,

TERRY C. ANDERSON
Director

ADVICE AND CONSENT OF THE SENATE

**State of Wisconsin
Office of the Governor**

July 23, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint CONNOLLY-KEESLER, EILEEN, of Neenah, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2004.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Human Services and Aging.**

**State of Wisconsin
Office of the Governor**

July 23, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint KAUFERT, REPRESENTATIVE DEAN, of Neenah, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2004.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Human Services and Aging.**

**State of Wisconsin
Office of the Governor**

July 23, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint VUE, MAI ZONG, of Madison, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2004.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Human Services and Aging.**

**State of Wisconsin
Office of the Governor**

July 23, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BOHEN, MARY LOU, of Middleton, as a member of the Council on Domestic Abuse, to serve for the term ending July 1, 2004.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Human Services and Aging.**

**State of Wisconsin
Office of the Governor**

July 23, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint MARSCHMAN, KATHLEEN S., of Middleton, as a member of the Board of Veterans Affairs, to serve for the interim term ending May 1, 2005.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Health, Utilities, Veterans and Military Affairs.**

**State of Wisconsin
Office of the Governor**

July 23, 2001

The Honorable, The Senate:

I am pleased to nominate and with the advice and consent of the Senate, do appoint BARRY, JONATHAN B., of Mount Horeb, as a member of the Wisconsin Technical College System Board, to serve for the interim term ending May 1, 2003.

Sincerely,

SCOTT MCCALLUM
Governor

Read and referred to committee on **Education.**

**REFERRALS AND RECEIPT OF
COMMITTEE REPORTS CONCERNING
PROPOSED ADMINISTRATIVE RULES**

**State of Wisconsin
Revisor of Statutes Bureau**

August 1, 2001

To the Honorable, the Senate:

The following rules have been published:

Clearinghouse Rules	Effective Date(s)
99-151	August 1, 2001
00- 21	August 1, 2001
00- 22	August 1, 2001
00- 65	August 1, 2001
00- 79	August 1, 2001
00-135	August 1, 2001
00-136	August 1, 2001
00-139	August 1, 2001
00-163	August 1, 2001
00-165	August 1, 2001
00-176	August 1, 2001
00-177	August 1, 2001
00-181	August 1, 2001
00-183	August 1, 2001
00-186	January 1, 2004
00-188	January 1, 2002
01- 15	August 1, 2001
01- 25	August 1, 2001

Sincerely,
GARY L. POULSON
Deputy Revisor

Senate Clearinghouse Rule 01–026

Relating to conforming existing rules to present practices and to other rules.

Submitted by Department of Regulation and Licensing.
Report received from Agency, July 26, 2001.

Referred to committee on **Human Services and Aging**, August 1, 2001.

Senate Clearinghouse Rule 01–027

Relating to professional counselor training certificates.

Submitted by Department of Regulation and Licensing.
Report received from Agency, July 26, 2001.

Referred to committee on **Human Services and Aging**, August 1, 2001.

Senate Clearinghouse Rule 01–064

Relating to the state jurisprudence examination.

Submitted by Department of Regulation and Licensing.
Report received from Agency, July 31, 2001.

Referred to committee on **Human Services and Aging**, August 1, 2001.

**Motions Under Senate Rule 98 and Joint Rule 7
for the Month of July 2001**

A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Benjamin R. Bechwar, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Cowles, for Herb Behnke, on the occasion of receiving the University of Wisconsin College of Agriculture and Life Sciences Honorary Recognition Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Baumgart, for Bemis Manufacturing Company of Sheboygan Falls, on the occasion of celebrating 100 years of excellence.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Harsdorf, for Charles E. Bricston, on the occasion of his retirement after 21 years of dedicated service to the University of Wisconsin–River Falls.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Risser, for the Capitol City Band, on the occasion of their 600th performance.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Grobschmidt, for the City of St. Francis, on the occasion of celebrating their 50th anniversary.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for Bob Dailey, on the occasion of being inducted into the Wisconsin Broadcaster's Hall of Fame.

A certificate of condolence by the Wisconsin Senate on the motion of Senator George, for family and friends of Lincoln Gaines, on the occasion of celebrating his life with them.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Huelsman, for Dan and Ann Garity, on the occasion of being chosen as "Parents of the Year 2001" by the Parents' Day Council of Wisconsin.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Mrs. Ruby Heurion, on the occasion of celebrating her 108th Birthday shared with family and friends.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Breske, for Dan Hoeft, on the occasion of his retirement after 19 years of service as Airport Director for Austin Straubel Airport in Green Bay, Wisconsin.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Wirch, for Ian Stewart Jaquish, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Cowles, for Raymond Johnson, on the occasion of his retirement after 27 1/2 years of service with the Outagamie County Sheriff's Department.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Erpenbach, for John Karcher, on the occasion of his 20 years of serving the Madison community as a news anchor.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Phillip John Kollmeyer, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Rosenzweig, for Daniel Adam Kulasiewicz, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Legislature on the motion of Senator Fitzgerald, for Lorleberg's True Value Store, on the occasion of its 131st Anniversary.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for Charlene Lowe, on the occasion of her extraordinary commitment to the Oshkosh community.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Alaric P. Marien, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Steve Masar, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Hansen, for Daniel Kenneth Molzahn, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Senate on the motion of Senator George, for Jack Murtaugh, on the occasion of his distinguished and faithful service to the Milwaukee community.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Jauch, for Tim O'Driscoll, on the occasion of his recognition of his his significant

achievement in scoring his 1000th Milwaukee Brewers baseball game as official scorer.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Panzer, for Tim Oehler, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Rosenzweig, for Richard P. Polaski, on the occasion of his retirement from the West Allis Police Department after 31 years of dedicated service.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Breske, for Edward M. Safford, on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of condolence by the Wisconsin Senate on the motion of Senator George, for family and friends of William G. Schuett, Sr., on the occasion of celebrating his life with them.

A certificate of commendation by the Wisconsin Legislature on the motion of Senator Roessler, for David K. Stevens Jr., on the occasion of earning and attaining the rank of the Eagle Scout Award.

A certificate of condolence by the Wisconsin Senate on the motion of Senator George, for family and friends of Reverend Doctor Walter W. Stuenkel, on the occasion of celebrating his life with them.

A certificate of congratulations by the Wisconsin Senate on the motion of Senator Kanavas, for the village of Sussex, the Sussex Senior Center and the Bielinski Custom

Homes, on the occasion of breaking ground for the new Senior Center.

A certificate of condolence by the Wisconsin Senate on the motion of Senator George, for family and friends of Reverend Olee Lee Sutton, on the occasion of celebrating his life with them.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for the Wisconsin Coalition Against Domestic Violence and the National Coalition Against Domestic Violence, on the occasion of recognizing October 10, 2001 as "Health Cares About Domestic Violence Day" in the State of Wisconsin.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for the Wisconsin Coalition Against Domestic Violence and the National Coalition Against Domestic Violence, on the occasion of recognizing October as Domestic Violence Awareness Month in the State of Wisconsin.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for the Wisconsin Coalition Against Domestic Violence and the National Coalition Against Domestic Violence, on the occasion of recognizing October 1, 2001 as "Day of Unity" for victims of domestic violence and their children in the State of Wisconsin.

A certificate of commendation by the Wisconsin Senate on the motion of Senator Risser, for the Wisconsin Coalition Against Domestic Violence and the National Coalition Against Domestic Violence, on the occasion of recognizing October 1, 2001 as "Work To End Domestic Violence Day" in the State of Wisconsin.